

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rachel Murgio	Team: Squad #2	CCRB Case #: 202001953	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 02/20/2020 6:18 PM	Location of Incident: 75th Precinct Stationhouse	Precinct: 75	18 Mo. SOL 8/20/2021	EO SOL 4/6/2022	
Date/Time CV Reported Thu, 02/27/2020 11:28 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 02/27/2020 11:28 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Varrone	15385	961405	075 PCT
2. POM Jhonny Milfort	935	954738	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jhonny Milfort	Abuse: Police Officer Jhonny Milfort did not process § 87(2)(b) [REDACTED] Prescod's complaint regarding an officer.	[REDACTED]
B.POM Anthony Varrone	Abuse: Police Officer Anthony Varrone did not process § 87(2)(b) [REDACTED] Prescod's complaint regarding an officer.	[REDACTED]

## Case Summary

On February 27, 2020, § 87(2)(b) filed this complaint with the CCRB via telephone.

On February 20, 2020, § 87(2)(b) went to the 75<sup>th</sup> Precinct stationhouse with his cousins § 87(2)(b) and § 87(2)(b) to file a complaint against police officers with whom he interacted the previous evening (addressed in CCRB Case # § 87(2)(b)). While there, he told Police Officer Jhonny Milfort of the 75<sup>th</sup> Precinct that he wished to file a complaint against an officer. Police Officer Milfort showed § 87(2)(b) a poster with his options for filing a complaint, and § 87(2)(b) told him that he wished to file a complaint in person at the stationhouse. Police Officer Milfort told § 87(2)(b) to wait and walked away, behind a glass door to where other officers were, and did not return (**Allegation A: Abuse of Authority – Refusal to Process Civilian Complaint** – § 87(2)(g)). After Police Officer Milfort left, Police Officer Anthony Varrone, also of the 75<sup>th</sup> Precinct, came from behind the glass door to speak with § 87(2)(b). § 87(2)(b) told Police Officer Varrone that he wished to file a complaint. Police Officer Varrone told § 87(2)(b) that he could not file a complaint there and would instead have to call the CCRB to file his complaint (**Allegation B: Abuse of Authority – Refusal to Process Civilian Complaint** – § 87(2)(g)). Police Officer Varrone pointed to the number of the CCRB on a poster, and § 87(2)(b) left the stationhouse.

Stationhouse footage depicting the incident is linked to IAs #20-23 (Board Review 02-05) and summarized in IA #24 (Board Review 06). § 87(2)(b) provided an audio recording of his conversation with Police Officer Milfort and Police Officer Varrone. The recording is linked to IA #7 (Board Review 07) and is summarized in IA #14 (Board Review 08). § 87(2)(g)

## Findings and Recommendations

**Allegation A: Abuse of Authority – Police Officer Jhonny Milfort did not process § 87(2)(b)'s complaint regarding an officer.**

§ 87(2)(b) provided an initial phone statement on February 27, 2020 (Board Review 11) and was interviewed at the CCRB on March 9, 2020 (Board Review 12). He provided a follow-up telephone statement on May 1, 2020 (Board Review 13). § 87(2)(b) provided a telephone statement on May 22, 2020 (Board Review 14) and a follow-up phone statement on May 28, 2020 (Board Review 15). Police Officer Milfort was interviewed on October 19, 2020 (Board Review 16). Police Officer Varrone was interviewed on October 23, 2020 (Board Review 17).

§ 87(2)(b) stated that he initially told Police Officer Milfort that he wished to file a complaint. Police Officer Milfort showed him contact information for the CCRB hanging on the wall. When § 87(2)(b) said he wanted to file his complaint in person, Police Officer Milfort walked behind a window to where other officers were.

§ 87(2)(b) stated that he did not recall the incident very well. Two officers spoke to § 87(2)(b) and told him they could not help him at the stationhouse and that he would have to file his complaint online. An unknown officer showed § 87(2)(b) something hanging on the wall with information about filing a complaint. No officer helped § 87(2)(b) to file his complaint at the stationhouse.

Police Officer Milfort did not recall speaking with § 87(2)(b) on February 20, 2020. He stated that, since he was working as stationhouse security on the night of the incident, he would

have to tell the desk sergeant if a civilian came to the stationhouse to file a complaint in-person against an officer and then return to his post. After being shown audio and video recordings of his conversation with § 87(2)(b) Police Officer Milfort stated that he believed he informed an officer (he did not know who) at the desk that § 87(2)(b) wished to file a complaint, but was basing this on what he saw in the video rather than on an independent recollection.

Police Officer Varrone had no recollection of the incident.

An audio recording provided by § 87(2)(b) of his conversations with officers in the 75<sup>th</sup> Precinct stationhouse (Board Review 07) features Police Officer Milfort telling § 87(2)(b) that there are different ways to file his complaint. After § 87(2)(b) asks whether he can file the complaint in person, Police Officer Milfort gives a response that is not fully discernable in the recording. Police Officer Milfort then walks away.

Stationhouse footage from the 75<sup>th</sup> Precinct stationhouse (Board Review 02-05) shows Police Officer Milfort speaking to § 87(2)(b) then walking behind a glass wall from the stationhouse lobby to the main part of the stationhouse. He goes to the desk, where other officers are standing, and shortly thereafter Police Officer Varrone goes to speak with § 87(2)(b) in the lobby.

§ 87(2)(g)

[REDACTED]

**Allegation B: Abuse of Authority – Police Officer Anthony Varrone did not process § 87(2)(b)'s complaint regarding an officer.**

Police Officer Varrone had no recollection of the incident or from his tour on the date of the incident. He identified himself in the stationhouse video footage found in IA #23 (Board Review 05) and identified his voice on the recording provided by § 87(2)(b) in IA #7 (Board Review 07). When asked what his responsibilities are when a civilian comes to the stationhouse to file a complaint of an officer's misconduct, Police Officer Varrone said that he refers civilians to the CCRB by providing the CCRB contact information via a board on the stationhouse wall; he did not know if he had further responsibilities.

The audio provided by § 87(2)(b) features Police Officer Varrone telling § 87(2)(b) that he cannot file a complaint at the stationhouse and must call the CCRB.

The stationhouse footage from the 75<sup>th</sup> Precinct shows Police Officer Varrone speaking with § 87(2)(b) § 87(2)(b) leaves the stationhouse without filing his complaint.

Patrol Guide Procedure 207-31 instructs officers “at any patrol precinct” as well as other locations to process civilian complaints made in person by interviewing the complainant and beginning paperwork. The officer receiving the complaint must report the complaint to the CCRB Intake Unit. Officers are to “advise [the] complainant that the complaint may be delivered in person...” in

addition to providing the CCRB's Intake phone number (Board Review 19).

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- § 87(2)(b)  
[REDACTED]
  - [REDACTED]  
[REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]
- Police Officer Jhonny Milfort has been a member of service for seven years and has been a subject in five CCRB complaints and seven allegations, of which one allegation was substantiated.
  - Case #201702102 involved a substantiated allegation of a frisk. The Board recommended formalized training and the NYPD imposed formalized training.
  - § 87(2)(g) [REDACTED]  
[REDACTED]
- Police Officer Anthony Varrone has been a member of service for four years and has been a subject in seven CCRB complaints and 15 allegations, none of which were substantiated.
  - § 87(2)(g) [REDACTED]  
[REDACTED]

### Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- As of November 23, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (Board Review 18).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]  
[REDACTED]

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Squad No.: 2

Investigator: Rachel Murgo Inv. Rachel Murgo 11/25/2020  
Signature Print Title & Name Date

Squad Leader: Alexander Opoku-Agyemang IM Alexander Opoku-Agyemang 12/1/2020  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date

CCRB Case # 202001953